



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ni *et al.*

Application No.: 10/005,842

Filed: December 7, 2001

For: **Death Domain Containing
Receptor 5**

Confirmation No. 4105

Art Unit: 1646

Examiner: Kaufman, Claire M.

Atty. Docket: 1488.131000A/EKS/EJH

Statement Concerning the Deposited cDNA Clone

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Plasmid DNA containing a cDNA clone encoding human Death Domain Containing Receptor 5 (DR5) was deposited under the terms of the Budapest Treaty on March 7, 1997. The deposit was made at the American Type Culture Collection, now located at 10801 University Boulevard, Manassas, Virginia 20110-2209, and was given accession number 97920. Assurance is hereby given that all restrictions on the availability to the public of the deposited plasmid will be irrevocably removed upon the granting of a patent, subject to 37 C.F.R. § 1.808(b).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

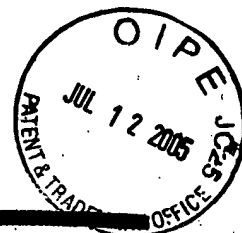
Kenley K. Hoover, Ph.D.
Attorney for Applicants
Registration No. 40,302

Date: June 22, 2005

1100 New York Avenue, N.W.



American Type Culture Collection



12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: 301-231-5519 or 231-5532 • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

MAR 17 1997

To: (Name and Address of Depositor or Attorney)

HCS PATENT DEPT.

Human Genome Sciences, Inc.
Attn: Robert H. Benson
9410 Key West Avenue
Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid 1989360

97920

REDACTED

The deposits were accompanied by: ___ a scientific description ___ a proposed taxonomic description indicated above.

The deposits were received March 7, 1997 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested March 13, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: March 14, 1997